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overcrowded and out of proportion, comprising nearly twelve hundred pages. But this is a fault which most purchasers will excuse, on account of the lessened price, and its present proportions will convince all of the necessity of making two volumes of the next edition.

The chapters in this work which will attract most attention at this particular juncture in American affairs, those upon the Rights of War as between Enemies, and the Rights of War as to Neutrals, have received the special attention of the editor, and contain extensive additions from approved and authoritative writers upon these subjects, ancient and modern, and much historical information of great value. Indeed, this work is now so crowded with information, indispensable to every general reader, and especially to every general scholar, that they cannot afford to be without it. We had intended to give some extracts from the work, and especially from the recent additions by the editor, in regard to the questions of such paramount interest at the present time, but it would occupy too much space, and we are sure our readers will avail themselves of the opportunity thus presented to examine for themselves those legal and constitutional questions so vital to the Republic, and which must, in the common course of events, so soon come to a final and authoritative determination by the American people, and in regard to whose judicious and peaceable solution the legal profession have, and in the nature of things must have, such an awful responsibility. We desire to avoid all appearance of alarm or agitation, but we must say, that any man who views the present crisis in American affairs with indifference, or without painful concern and apprehension, must either be very wise or very simple.

I. F. R.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME JUDICIAL COURT OF MASSACHUSETTS. By CHARLES ALLEN. Vol. IV. Boston: Little, Brown & Co. 1863.

We have so recently spoken of the general character of Massachusetts Reports, and of those of Mr. Allen in particular, that we have nothing to add. The present volume contains a full average of interesting and important questions, and the general appearance of the volume for accuracy and neatness in the preparation of the matter, as well as in the publication, is creditable both to the reporter and the publishers.

The case of *Child v. The City of Boston*, in regard to the liability of the defendants for damages accruing to private persons, by the construc-

tion, or want of repair, in the common sewers of the city, is one of very considerable interest, and the questions involved are examined with thoroughness and ability.

In the case of *Dean v. The American Mutual Insurance Company*, the much-discussed question of the effect of death by suicide in cases of life insurance, where the assured was partially insane, and the policy contained the usual exception, "where the assured shall die by his own hand," is very carefully and learnedly examined by the court and counsel. The subject of fire insurance is very extensively and carefully examined in *Hardy vs. Union M. F. Ins. Co.*

In *Wright vs. Malden and Melrose Railroad Company*, the question of the degree of care and diligence to be required of a child of tender years in escaping peril to which he is exposed through the negligence of the defendants, concurring with that of the parents or guardian of the child, is very carefully examined, and the rule laid down in *Lynch vs. Nurdin*, 12 B. R. 29, rejected, notwithstanding its adoption in many of the American States. The same question is further considered in *Munn vs. Reed*, where a child was bitten by a dog. The rule adopted in these cases, and in the State of New York, visits upon the child, in denying him a recovery, any want of care and prudence on the part of his guardians, in not keeping him out of danger. We prefer the English rule of allowing the child to recover for any injury which is the *direct* result of the defendant's negligence, notwithstanding any *remote* fault on the part of the parent or guardian. We believe this rule will finally prevail as to all cases of negligence which is the direct result of the fault of the defendant, although remotely produced, perhaps, by the fault of the plaintiff in needlessly exposing himself to peril. That is true in almost every case. There is, *in fact*, some fault on both sides, but juries refuse to find that fact, when their common-sense instincts make them feel that the law is making a wrong and an absurd use of it. The better way is to qualify the rule, and reduce it within the limits of common sense, by admitting the proper distinction between the negligence which is the *proximate* cause of the injury, and that which is only the *remote* cause. The tendency of the later English cases, and of many of the American cases, is in that direction.

The case of *Dekon vs. Foster* presents a very interesting question, and one of some practical importance—the right of the Courts of Equity to enjoin a citizen within the state where insolvent laws obtain, and where his debtor is domiciled and has gone into insolvency, from going out of

the state and attaching the property of his debtor, and, by pursuing it to execution there, prevent the assignees from obtaining it to distribute ratably among all the creditors. The court here held that the creditor, under such circumstances, was liable to be enjoined from so applying property out of the state exclusively upon his own debt. There is certainly a degree of moral justice in such a decision. We have not examined it with sufficient care to be able to determine how far it may be consistent with the ordinary powers of Courts of Equity.

I. F. R.

A COPYRIGHT MANUAL; Designed for Men of Business, Authors, Scholars, and Members of the Legal Profession. Prepared by WILLIAM W. ELLSWORTH, late Judge of the Supreme Court of Errors in Connecticut. Boston: Oliver Ellsworth. 1862.

We owe the author and publisher of this excellent manual an apology for not sooner having noticed it. It consists of about fifty pages in all, and contains everything which business men or lawyers would desire to have upon the subject for ordinary use, and is got up in a very natural, plain, and simple style. It is unambitious and unpretentious, like its excellent author, the worthy son of a worthy sire, whose names and fame are identified with the history of one of the oldest and best states in our Union, as well as with that of the Union itself. The fact that the days of such honest-hearted disinterestedness and truthful earnestness and ability as made, and will make, the name of Ellsworth a national and world-wide renown, in all time, past or future, have now measurably passed away; and that the best of men now labor more for pay than from patriotism, will make those venerable names, which graced the better days of the Republic, doubly dear to the patriot and the Christian, who feels that there is an aim above mere personal aggrandizement, and a reward which only the unselfish and the pure in heart can justly claim.

I. F. R.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPERIOR COURT OF THE CITY OF NEW YORK. By JOSEPH S. BOSWORTH, LL.D., Chief Justice of the Court. Vol. 7. Albany: W. C. Little, Bookseller. 1863.

The series of Reports of the decisions of this Court comprise two volumes by Hall, five by Sandford, six by Duer, and seven by Bosworth. These twenty volumes contain many able and well-reasoned cases, decided